



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No : 10/005,052  
Applicant : Monsalve-Gonzalez et al.  
Filed : December 4, 2001  
Title : Bran and Bran Containing Products of  
Improved Flavor and Methods of Preparation

TC/A.U. : 1761  
Examiner : L. Tran

Docket No. : 5553

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Sir:

This paper is filed in response to the Notification of Non-Compliant Appeal Brief dated February 28, 2008 issued in the above-identified U.S. patent application, and includes a replacement Summary of Claimed Subject Matter in accordance with 37 C.F.R. § 41.37(c)(1)(v) and M.P.E.P. § 1205.03(B).

**Replacement Summary of Claimed Subject Matter** begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention is directed to bran and bran containing products of improved flavor and methods of preparation. More specifically, a mild oxidation process is employed to chemically alter bran such that the bran has a reduced ferulic acid concentration and an elevated vanillin concentration. See the summary on page 3 of the application. More specifically, the present invention, as defined by claim 1, is a method for treating a grain based product bran including reacting bran with 0.1 to 1 parts ozone per 100 parts bran to produce treated bran having a reduced ferulic acid finished concentration of less than 30 ppm, and wherein the bran has an elevated finished concentration of vanillin. See page 13, lines 5-7; page 14, lines 8-10; and page 15, lines 4-6.

Claim 3 further defines the invention by providing that the finished ferulic concentration of the bran is less than 50% of the native concentration of the bran. See page 13, lines 5-9.

Similarly, claim 5 further defines the invention by providing that the finished concentration of vanillin is at least twice the native concentration of vanillin. See page 14, lines 8-12.

The present invention is further defined by the method of claim 10, wherein bran is treated with a chelating agent, the pH of the bran is reduced with acid to about 4-6, the bran is reacted with ozone to produce treated bran having a reduced ferulic acid finished concentration, and the treated bran is blanched to produce a blanched bran having an elevated concentration of vanillin. See page 9, line 14 through page 10, line 21; page 11, line 26 through page 12, line 5; page 12, lines 19-22; and page 11, lines 9-25.

Claim 19 further limits claim 10 and requires that 100 parts acidified bran is contacted with about 0.3 to 0.7 parts ozone.

Products of the present invention are set forth in claims 33-36, 39, 40 and 45. More specifically, products are produced having a reduced ferulic acid concentration of less than 30 ppm and elevated vanillin content. See page 13, lines 5-9 and pages 16-19.

Products of the present invention are also set forth in claims 37 and 38. Such products have a reduced ferulic acid concentration and an elevated concentration of vanillin. See pages 16-19.

Additional grain products of the present invention are set forth in independent claim 41 and dependent claims 42-44, 46 and 48. These claims are directed to products having a ferulic acid concentration of less than 30 ppm and an elevated concentration of vanillin. See page 13, lines 5-9, page 14, lines 9-10 and page 16 through page 20, line 1.

**REMARKS/ARGUMENTS**

As requested, the Summary of Claimed Subject Matter was corrected to include a discussion of independent claim 41 as the previously provided discussion was apparently cut-off on page 7 of the brief as filed. In any case, a replacement section is provided herewith for purposes of the Appeal. If Patent Office personnel should have any additional questions or concerns regarding this matter, they are cordially invited to contact the undersigned at the number provided below in order to further expedite the procedure.

Respectfully submitted,



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